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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,129	10/24/2003	Barbara Jennings	20475-1	1695
572	7590	12/23/2005	EXAMINER	
CLIFFORD A. POFF 9800B MCKNIGHT ROAD SUITE 115 PITTSBURGH, PA 15237			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No. 10/693,129	Applicant(s) JENNINGS, BARBARA	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-9 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,12,15-17,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-7, 13, 14, 18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 10/21/05. Claims 1, 4, 10, 11, 16 (second instance), 17 (second instance) have been cancelled, claims 2, 3, 5, 6, 7, 8, 9, 13, 14 and 18 have been amended and claim 21 has been newly added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 3, 5, 6, 13, 14, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings (US 6,230,329).

In regard to claim 21, Jennings teaches a garment (10) used by a caregiver to manipulate a patient, the garment comprising a garment body including a front garment portion and a back garment portion for traversing front and back areas of a patient between at least the waist line area to a right tail portion (24) and a left tail portion (24) forming a garment body interconnection between the front garment portion and the back garment portions (figure 3). The right tail portion and the left tail portion passing through the groin area of the patient to anchor the garment body in a direction perpendicular to the waist line area (figures 3). Attachment devices (22) carried by a distal end of the right tail portion (24) and a distal end of the left tail portion (24) to form interconnections

with the garment body (figures 3 and 4). A plurality of handholds (38, 44, 36, 46) on the garment body for use by a caregiver to manipulate the patient (column 1, lines 19-39).

In regard to claim 2, Jennings teaches short trouser garment leg portions and attachment devices operable along an inseam of the short trouser garment leg portions for reattachment of garment margins along the inseam (Figures 3 and 4, column 4, lines 5-13).

In regard to claim 3, Jennings teaches short trouser garment leg portions having an opening in the crotch area to avoid compression of genital organs of a male patient (figures 3 and 4, identifiers 21, 22: column 3, lines 49-52 and column 5, lines 29-34).

In regard to claim 5, Jennings teaches the garment body being made of a soft, quilted fabric for patients who generally remain in bed (column 4, lines 28-46).

In regard to claim 6, Jennings teaches the garment body being made of a non-stretch fabric for a patient (column 3, lines 1-9).

In regard to claim 13, Jennings teaches the garment body indulging side garment portions between the front garment portion and the back garment portion. The plurality of handholds further includes at least two handholds (38) disposed on the side garment portions (figures 3 and 4).

In regard to claim 14, Jennings teaches at least one of the handholds are formed in the garment body and includes a pair of parallel openings defining a strap there between for grasping by a caregiver (Figure 2).

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Harlem et al. (US 5,799,328).

In regard to claim 18, Jennings teaches a plurality of handholds (44) including at least one rigid member in the garment body for improving a grip by a caregiver to manipulate a patient (column 4, lines 17-23; column 5, lines 35-45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings.

Jennings fails to teach a left loop and a right loop disposed on the front garment portion for passage of each of distal end of the right tail portion and the distal end of the left tail portion, back on itself.

In regard to claim 7, Jennings teaches a right tail portion and a left tail portion and attachment devices carried by a distal end of the right tail portion and distal end of the left tail portion (figure 1, identifiers 22, 24).

It would have been obvious to have provided the distal end of the right and left tail portions attaching directly to the garment front portion or passed through loops and attached back upon itself, because as long as the distal ends of the left and right tail portions are fastened to the front of the garment and provide access to the users crotch along with adjusting comfort than the type of fastening arrangement is not critical. Therefore, the fastening devices of the right and left distal end portion of the tail being

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attached to the garment or looped around and attached back to itself are equivalents since they both secure the tail portions in place.

Response to Arguments

6. Applicant's arguments with respect to claims 2, 3, 5-7, 13, 14, 18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

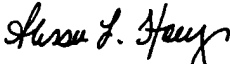
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alissa L. Hoey
Primary Examiner
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